

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 32.2.401,)	AMENDMENT AND ADOPTION
pertaining to license fees, and the)	
proposed adoption of New Rule I)	NO PUBLIC HEARING
pertaining to permit fees, and New Rule)	CONTEMPLATED
II pertaining to miscellaneous fees)	

TO: All Concerned Persons

1. On May 6, 2006, the Department of Livestock proposes to amend and adopt the above-stated rules pertaining to Department of Livestock license fees, permits fees, and miscellaneous fees.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on April 28, 2006, to advise us of the nature of the accommodation that you need. Please contact Marc Bridges, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; phone: (406) 444-7323; TTD number: 1-800-253-4091; fax: (406) 444-1929; e-mail: mbridges@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

32.2.401 DEPARTMENT OF LIVESTOCK LICENSE FEES, PERMIT FEES,
AND MISCELLANEOUS FEES (1) ~~The department of livestock shall charge:~~

(a) ~~for the license of garbage feeder as required by 81-2-502, MCA, a fee of \$5;~~

(b) ~~for recording a new mark or brand, recording a mark or brand transfer, or recording a mark or brand as required by 81-3-107, MCA, a fee of \$100;~~

(c) ~~for providing a certified copy of a brand or mark record and a duplicate certificate, a fee of \$5;~~

(d) ~~for inspection of livestock before removal from a county or before change of ownership as required by 81-3-205, MCA, a fee of 50 cents per head; for cow/calf pairs to pasture only, a fee of 50 cents per pair;~~

(e) ~~for issuance of a market consignment permit or transportation permit before removal from a county as required by 81-3-205, MCA, a fee of \$1 per permit;~~

(f) ~~for issuance of a permanent horse transportation permit as required by 81-3-205, MCA, a fee of \$15 per head;~~

(g) ~~for inspection of livestock before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse as required by 81-3-205, MCA, a fee of 50 cents per head;~~

- ~~(h) for releasing an animal, except horses, mules, or asses, for purpose of removal from a licensed livestock market as required by 81-3-205, MCA, a fee of 50 cents per head;~~
- ~~(i) for inspection of horses, mules, or asses before removal from a county or before change of ownership as required by 81-3-205, MCA, a fee of \$6 per head; if more than 10 animals of the same type are offered for inspection on the same day by the same owner, a fee of \$1 per head starting with the eleventh animal;~~
- ~~(j) for inspection of horses, mules, or asses before sold or offered for sale at a licensed livestock market as required by 81-3-205, MCA, a fee of \$6 per head;~~
- ~~(k) for releasing horses, mules or asses as required by 81-3-205, MCA, a fee of \$6 per head for purposes of removal from a licensed livestock market;~~
- ~~(l) for a copy of an original livestock bill of sale as required by 81-3-205, MCA, a fee of \$2.50;~~
- ~~(m) for a permanent horse transportation permit as required by 81-3-211, MCA, a fee of \$15; also for rodeo roping steers if single brand and single ownership;~~
- ~~(n) for an adjoining county transportation permit as required by 81-3-211, MCA, a fee of \$10;~~
- ~~(o) for an adjacent state transportation permit as required by 81-3-214, MCA, a fee of \$10;~~
- ~~(p) for a sheep removal permit as required by 81-5-112, MCA, a fee of \$1.00;~~
- ~~(q) for an aerial hunting permit as required by 81-7-504, MCA, a fee of \$50 or portion thereof;~~
- ~~(r) for a permit to operate a livestock market as required by 81-8-256, MCA, a fee of \$100;~~
- ~~(s) for a livestock broker or dealer permit as required by 81-8-276, MCA, a fee of \$100;~~
- ~~(t) for filing of livestock security interests as required by 81-8-304, MCA, a fee of \$25;~~
- ~~(u) for hide inspection as required by 81-9-112, MCA, a fee of \$1 a head;~~
- ~~(v) for a slaughterhouse, meat packing house, or meat depot license as required by 81-9-201, MCA, a fee of \$25;~~
- ~~(w) for a rendering or disposal plant license as required by 81-9-301, MCA, a fee of \$5;~~
- ~~(x) for a hide dealer or buyer's license as required by 81-9-411, MCA, a fee of \$5;~~
- ~~(y) for an egg dealer's license as required by 81-20-201, MCA, a fee of \$5 for retail buying and \$20 for wholesale;~~
- ~~(z) for an egg grader's license as required by 81-20-201, MCA, a fee of \$5;~~
- ~~(aa) for a condensed, evaporated, or powdered milk factory license as required by 81-21-102, MCA, a fee of \$50;~~
- ~~(ab) for a fluid milk plant license as required by 81-21-102, MCA, a fee of \$50;~~
- ~~(ac) for a dairy license as required by 81-21-102, MCA, a fee of \$5;~~
- ~~(ad) for a milk or cream route license as required by 81-22-204, MCA, a fee of \$5;~~
- ~~(ae) for a milk or cream tester's license as required by 81-22-205, MCA, a fee of \$10;~~

(af) for a manufactured dairy products plant license as required by 81-22-208, a fee of \$50;	
(ag) for a cream station license as required by 81-22-208, MCA, a fee of \$5;	
(ah) for a dairy producing milk for manufacturing purposes license as required by 81-22-208, MCA, a fee of \$5;	
(ai) for a grader-weigher-sampler license as required by 81-22-208, MCA, a fee of \$5;	
(aj) for a tester license as required by 81-22-208, MCA, a fee of \$10;	
(ak) for a hauler license as required by 81-22-208, MCA, a fee of \$5;	
(al) for a producer, producer-distributor, distributor, or jobber as required by 81-23-202, MCA, a fee of \$10.	
(am) for each game farm animal inspected as required by 81-3-211, MCA, a fee of \$3 per head, additionally the inspector may charge his or her necessary actual expenses if required to wait for the animals to be presented for inspection.	
<u>(1) Condensed, evaporated, or powdered milk factory license as required by 81-21-102, MCA</u>	<u>\$5</u>
<u>(2) Cream station license as required by 81-22-208, MCA</u>	<u>5</u>
<u>(3) Dairy license as required by 81-21-102, MCA</u>	<u>5</u>
<u>(4) Dairy producing milk for manufacturing purposes license as required by 81-22-208, MCA</u>	<u>5</u>
<u>(5) Egg dealer's retail buying license as required by 81-20-201, MCA</u>	<u>5</u>
<u>(6) Egg dealer's wholesale license as required by 81-20-201, MCA</u>	<u>20</u>
<u>(7) Egg grader's license as required by 81-20-201, MCA</u>	<u>5</u>
<u>(8) Fluid milk plant license as required by 81-21-102, MCA</u>	<u>50</u>
<u>(9) Grader-weigher-sampler license as required by 81-22-208, MCA</u>	<u>5</u>
<u>(10) Hauler license as required by 81-22-208, MCA</u>	<u>5</u>
<u>(11) Hide dealer or buyer's license as required by 81-9-411, MCA</u>	<u>5</u>
<u>(12) Livestock broker or dealer license as required by 81-8-271 and 81-8-276, MCA</u>	<u>100</u>
<u>(13) Manufactured dairy products plant license as required by 81-22-208, MCA</u>	<u>50</u>
<u>(14) Milk or cream route license as required by 81-22-204, MCA</u>	<u>5</u>
<u>(15) Milk or cream tester's license as required by 81-22-205, MCA</u>	<u>10</u>
<u>(16) Producer, producer-distributor, distributor, or jobber as required by 81-23-202, MCA</u>	<u>10</u>
<u>(17) Rendering or disposal plant license as required by 81-9-301, MCA</u>	<u>5</u>
<u>(18) Satellite video auction market operator as required by 81-8-264, MCA</u>	<u>100</u>
<u>(19) Slaughterhouse, meat packing house, meat depot, or mobile slaughter facility license as required by 81-9-201, MCA</u>	<u>25</u>
<u>(20) Tester license as required by 81-22-208, MCA</u>	<u>10</u>

AUTH: 81-1-102, 81-22-102, MCA

IMP: 81-1-102, 81-2-502, 81-3-107, 81-3-205, 81-3-211, 81-3-214, 81-5-112, 81-7-504, 81-8-256, 81-8-271, 81-8-276, 81-8-304,

81-9-112, 81-9-201, 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102, 81-22-204, 81-22-205, 81-22-208, 81-23-202, MCA

REASON: ARM 32.2.401 is being amended to reformat the licensing fee rule into a form that will be easier to read, and to add a fee for licensing of satellite video auctions operating in Montana (new section (18)). Section 81-8-264, MCA, calls for a fee for satellite video auction operator to be submitted by applicants. On or before May 1 of each subsequent year, the licensee will remit the annual fee to follow the initial application. The fee is needed to cover the costs of regulating the satellite video auction operation in Montana. Regulation includes performing audits of the custodial account.

The new fee must, by statute, be set at levels commensurate with the costs of licensing and regulation of such operations. The new video satellite auction fee charged by the department will potentially generate \$100/year in revenue based on the one entity who may seek a license in Montana.

Section (19) is being amended to add the category of 'mobile slaughter facility' to the list of licenses for which a fee is being charged. Mobile slaughter facility licensing was authorized by the 2005 Legislature in HB 484, and the rules implementing the license have already been proposed for adoption in MAR Notice No. 32-6-180 at page 657 in the 2006 Montana Administrative Register, issue number 5. The licensing fee for mobile slaughter facility license is being added at this time with other amendments to the license fee rule. Approximately one mobile slaughter facility license will be affected, based on a projected number of such licenses to be issued, for a total projected revenue increase of \$25 from this fee.

4. The rules proposed for adoption provide as follows:

<u>NEW RULE I DEPARTMENT OF LIVESTOCK PERMIT FEES</u>		
(1) Aerial hunting permit as required by 81-7-504, MCA		\$50 or portion thereof
(2) Adjacent state transportation permit as required by 81-3-214, MCA		\$10
(3) Adjoining county transportation permit as required by 81-3-211, MCA		10
(4) Annual sheep permit for show purposes only within the state of Montana		1
(5) Market consignment permit or transportation permit before removal from a county as required by 81-3-205, MCA		1
(6) Permanent horse transportation permit as required by 81-3-205, MCA		25 per head
(7) Sheep removal permit as required by 81-5-112, MCA		1

AUTH: 81-1-102, 81-22-102, MCA

IMP: 81-3-205, 81-3-211, 81-3-214, 81-5-112, 81-7-504, 81-8-256, 81-8-276, MCA

REASON: New Rule I is being added to separate permit fees from license and miscellaneous fees. The new rule does not change any fee amounts except (6).

Section (6) is being amended to increase the permanent (lifetime) horse transportation permit fee from \$15.00 to \$25.00. This figure more accurately reflects the time and salary cost expended on issuance of a permanent (lifetime) horse transportation permit. Approximately 7,192 lifetime inspections will be affected, based on the number of lifetime inspections conducted in 2005, for a total projected revenue increase of \$71,920 from this fee.

A permanent horse transportation permit, including rodeo roping steers if single brand and single ownership permit, which previously appeared at ARM 32.3.401(1)(m) is being permanently deleted. That permit is not issued by the Department of Livestock as a separate permit, and has not been issued for many years. It is therefore necessary to delete this permit category from the administrative fee rules permanently.

NEW RULE II DEPARTMENT OF LIVESTOCK MISCELLANEOUS FEES

- | | |
|--|-------------------|
| (1) Certified copy of brand or mark record and duplicate certificate | \$5 |
| (2) Copy of original livestock bill of sale as required by 81-3-205, MCA | 10.00 |
| (3) Filing of livestock security interests as required by 81-8-304, MCA | 25 |
| (4) Game farm animal inspection as required by 81-3-211, MCA | 3 a head |
| (Inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection) | |
| (5) Hide inspection as required by 81-9-112, MCA | 1 a head |
| (6) Horses, mules, or asses inspection before removal from a county or before change of ownership as required by 81-3-205, MCA | 6 a head |
| (a) if more than 10 animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal | 1 a head |
| (7) Horses, mules, or asses inspection before sold or offered for sale at a licensed livestock market as required by 81-3-205, MCA | 6 a head |
| (8) Livestock inspection before removal from a county or before change of ownership as required by 81-3-205, MCA | 50 cents a head |
| (a) cow/calf pairs-spring going to pasture only | 50 cents per pair |
| (9) Livestock inspection before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse as required by 81-3-205, MCA | 50 cents a head |
| (10) Livestock market operator certificate as required by 81-8-251, 81-8-256, MCA | 100 |
| (11) Recording a new mark or brand, recording a mark or brand transfer, or recording a mark or brand as required by 81-3-107, MCA | 100 |
| (12) Releasing an animal, except horses, mules, or asses, for purpose of removal from a licensed livestock market as required by 81-3-205, MCA | 50 cents a head |
| (13) Releasing horses, mules, or asses, for purpose of removal from a licensed livestock market as required by 81-3-205, MCA | 6 a head |

AUTH: 81-1-102, 81-22-102, MCA

IMP: 81-3-107, 81-3-205, 81-3-211, 81-8-304, 81-9-112, MCA

REASON: New Rule II is being added to separate miscellaneous fees from license and permit fees. The new rule does not change any fee amounts except (2). Section (2) is being amended to increase the fee for a copy of an original livestock bill of sale. This fee will more accurately reflect the time and salary cost expended on this copy of original bill of sale. Approximately 1,200 duplicate copies will be affected based on the number of duplicate copy requests in 2005, for a total projected revenue increase of \$9,000 from this fee.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to Marc Bridges, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to mbridges@mt.gov to be received no later than 5:00 p.m., May 4, 2006.

6. If persons who are directly affected by the proposed actions wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., May 4, 2006.

7. If the department receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

8. An electronic copy of this proposal notice is available through the department's site at www.mt.gov/liv.

9. The Montana Department of Livestock maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies the area of interest that the person wishes to receive notices regarding. Such written request may be mailed or delivered to Marc Bridges, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; faxed to (406) 444-1929 "attention Marc Bridges"; or e-mailed to mbridges@mt.gov. Request forms may also be completed at any rules hearing held by the department.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Marc Bridges
Marc Bridges
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

Certified to the Secretary of State March 27, 2006.